

## **October 17, 2016 Springfield, Missouri**

The City Council met in regular session October 17, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Pro Tem McClure. A moment of silence was observed.

**Roll Call** Present: Kristi Fulnecky, Mike Schilling, Tom Prater, Craig Fishel and Ken McClure. Absent: Craig Hosmer\*, Jan Fisk, Phyllis Ferguson and Bob Stephens.

**Minutes** There being no additions, deletions or corrections, the minutes of October 3, 2016 were approved as presented.

**Consent Agenda** The Consent Agenda was finalized and approved as presented.

### **CEREMONIAL MATTERS**

**Recognizing Sheila Maerz** Sponsor: Council. Council Bill 2016-229. A resolution recognizing Sheila Maerz for her dedicated years of service to the City of Springfield upon the occasion of her retirement.

Mr. Burris stated among Ms. Maerz many other achievements; she lead the development of the City's first ever collective bargaining agreement. Mr. Burris expressed his appreciation for Ms. Maerz and her work with the City.

Councilman Fishel expressed his appreciation for Ms. Maerz. Councilman

Schilling expressed his appreciation for Ms. Maerz.

\*Councilman Hosmer entered the meeting at 6:39 p.m.

Council Bill 2016-229. Resolution 10289 was approved by the following vote:  
Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure.

Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

City Managers report and responses to questions raised at the previous City Council meeting: Greg Burris, City Manager, provided updates on questions raised from the previous Council meeting. Mr. Burris thanked Council for passing Sheila Maerz's resolution and stated her reception will be held on October 20, 2016. Mr. Burris thanked all who participated in the 27th Annual Treasures of the City event. Mr. Burris stated the public is invited to attend a Council workshop next Wednesday evening to learn more about the condition of the Historic Jefferson Avenue Footbridge. Mr. Burris noted the workshop will begin at 6 p.m., October 26, 2016, at the Savoy Ballroom on Commercial Street. Mr. Burris stated the month of October is designated as Fire Prevention Month and the Springfield Fire Department has been distributing residential fire extinguisher to Parents as Teachers participants. Mr. Burris noted Police Chief Williams has provided the monthly crime statistic at the places of Council and is present to answer any questions. Mr. Burris made himself available for questions.

Councilman Fishel asked for clarification on the date of the footbridge workshop. Mr. Burris responded the workshop will be held on October 26, 2016.

**The following bills appeared on the agenda under Second Reading Bills:**

**Commercial Street Tax  
Increment Financing District  
Special Allocation Fund**

Sponsor: Ferguson. Council Bill 2016-226. A special ordinance establishing a budget for the Commercial Street Tax Increment Financing District Special Allocation Fund for Fiscal Year 2016-17 in the amount of \$570,035.53; approving expenditures from said Special Allocation Fund for property acquisition costs and certain public improvement projects within the Commercial Street Increment Financing District in an amount not to exceed \$400,000.00; and also using certain rail credits obtained in the sale of the West Wye to BNSF in the amount of \$707,849.57 to partially fund the acquisition of a portion of Frisco Lane in connection with the aforementioned public improvement projects.

Councilman Schilling expressed his appreciation for the proposed and expressed his belief the proposed is a good use of the budget and will aid in economic growth.

Mayor Pro Tem McClure expressed his appreciation for the proposed.

Council Bill 2016-226. Special Ordinance 26804 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

**RESOLUTIONS.**

**Appointment of Six Members to  
the Tax Abatement and Tax  
Increment Financing Advisory  
Commission**

Sponsor: Stephens. Council Bill 2016-230. A resolution approving the Mayor's appointment of six members to the Tax Abatement and Tax Increment Financing Advisory Commission.

Mary Lily Smith, Director of Planning and Development, provided a brief overview of the proposed. Ms. Smith stated the proposed is a resolution to appoint six members to the Tax Increment Financing Advisory Commission (TIF). Ms. Smith noted the TIF commission is made up of 11 members, six of which are appointed by Council. Ms. Smith stated of the six members Council appoints, one will be a member of City Council and one will represent the Springfield-Greene County Library District. Ms. Smith noted members needed to be reappointed to the TIF commission so they can act on a matter related to the Springfield Plaza TIF.

Council Bill 2016-230. Resolution 10290 was approved by the following vote:  
Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None.  
Absent: Fisk, Ferguson and Stephens. Abstain: None.

#### **EMERGENCY BILLS.**

#### **PUBLIC IMPROVEMENTS.**

#### **GRANTS.**

#### **AMENDED BILLS.**

#### **COUNCIL BILLS FOR PUBLIC HEARING.**

**The following bills appeared on the agenda under First Reading Bills:**

**The following bills were read simultaneously:**

Sponsor: Fisk. Council Bill 2016-231. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00.

Sponsor: Hosmer. Council Bill 2016-232. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City's Purchasing Manual.

David Holtmann, Interim Director of Finance, provided a brief overview of the proposed. Mr. Holtmann stated the proposed is to amend City Code related to bonds on Public Works projects. Mr. Holtmann noted the proposed will increase the minimum dollar amount of construction contracts that require performance, labor and material bonds. Mr.

Holtmann stated the second part of the bill amends and increases the threshold to \$50,000 from the previous \$25,000.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

**The following bills were read simultaneously.**

Sponsor: Fulnecky. Council Bill 2016-233. A general ordinance amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, 'Authority to suspend or debar bidders'; 98-

**Amending Springfield City  
Code, Chapter 2,  
Administration , Article I**

**Amending Springfield City  
Code, Chapter 2,  
Administration, Article VI,  
Finances**

**Amending Springfield City  
Code, Chapter 98, Streets,  
Sidewalks and Public Places**

**Amending Springfield City  
Code, Chapter 2,  
Administration, Article VI,  
Finances**

225, 'Procedure for suspension or debarment of bidders'; and 98-226, 'Grounds for suspension or debarment of bidders'; in their entirety, and reserving these sections for future use.

Sponsor: McClure. Council Bill 2016-234. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

Kirk Juranas, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Juranas stated the proposed modifies the City Code to consolidate to the purchasing manual. Mr. Juranas noted the proposed consolidates the ability to suspend and debar in the purchasing manual and allows a department such as Public Works to have the Director act on the committee to make the decision on length of time of suspension or debarment. Mr. Juranas stated most incidents include criminal activity which would include cause debarment. Mr. Juranas made himself available for questions.

Councilwoman Fulnecky asked if the proposed is in response to an incident. Mr. Juranas responded in the negative. Mr. Juranas stated the question came up months ago and added it would be beneficial to have a person from the department on the team to be able to explain the situation.

Councilwoman Fulnecky asked who is involved in the committee. Mr. Juranas responded the committee was made up of four members including the City Manager, City Attorney, Director of Finance and the City Purchasing Agent. Mr. Juranas stated the proposed will allow the department director to become the fifth member on the committee.

Councilwoman Fulnecky asked if there is a right of appeal. Mr. Juranas responded in the affirmative. Mr. Juranas stated the contractor is notified in advance if they wish to make an appeal.

Councilwoman Fulnecky asked if the length of severity is five years. Mr. Juranas responded suspension is zero to six months and debarment is zero to five years.

Councilman Hosmer asked if the proposed is recodified under the ordinance. Mr. Juranas responded there were additional code restrictions in Section 98 being repealed and consolidated in the purchasing manual in Section 2-400.

Councilman Hosmer asked if the purchasing manual is approved by Council. Mr. Holtmann responded in the affirmative.

Councilman Hosmer asked if the provisions tell when a contractor will be debarred in the purchasing manual. Mr. Juranas responded in the affirmative.

Councilman Hosmer asked when the purchasing manual was approved. Mr. Holtmann responded the latest revision was approved by Council in October of 2000.

Councilman Hosmer asked if the language tracts the language that was repealed. Mr. Holtmann responded in the affirmative.

Mr. Juranas asked if Councilman Hosmer was asking specifically about causes for suspension or debarment. Councilman Hosmer responded in the affirmative. Mr. Juranas responded the suspension and debarment are being read directly from the current purchasing manual as the causes for debarment had not changed.

Councilman Hosmer asked if the manual will be the only document looked at if someone should be debarred. Mr. Juranas responded in the affirmative.

Councilman Hosmer asked if the purchasing manual includes habitual violators of the wage and hour law in the manual. Mr. Juranas responded in the negative and noted there is flexibility in the wording of the manual that allows other causes to be considered.

Councilman Hosmer asked for specificity concerning prevailing wage, wage violations and hour violations be looked at. Mr. Juranas responded those issues would be in violation of the contract and contractor.

Councilman Hosmer asked if other municipalities have wage and hour violations included in their list of causes for debarment. Mr. Juranas responded he was unsure.

Councilman Hosmer asked for information on how other municipalities handle wage and hour violations.

Mr. Burris asked if Councilman Hosmer was asking specifically wage and hour violations. Councilman Hosmer responded wage and hour violations, OSHA and prevailing wage violations.

Councilwoman Fulnecky asked if bid documents disclose OSHA, wage and hour violations. Mr. Juranas responded it is part of the reference material.

Councilman Hosmer expressed his concern for the bid manual not including wage and hour violations.

Mayor Pro Tem McClure asked for further information concerning OSHA, wage and hour violations and prevailing wage violations.

Mayor Pro Tem McClure asked if there are state law procedures for debarment in place. Mr. Juranas responded there are state laws in place and stated there is federal and state law concerning OSHA violations.

Mr. Burris stated information will be provided to Council.

Mayor Pro Tem McClure asked what the involvement was for the Development Issues Input Group (DIIG). Mr. Juranas stated the proposed was reviewed with DIIG and had input as their membership could be impacted and were in support of the proposed.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

**Cost Share Program Third  
Supplemental Agreement with  
Missouri Highway and  
Transportation Commission  
and Greene County**

Sponsor: Ferguson. Council Bill 2016-235. A special ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Program Third Supplemental Agreement with the Missouri Highway and Transportation Commission and Greene County, for the purpose of allocating costs and establishing a contingency fund for additional costs for the City with respect to the Chestnut Expressway Overpass Bridge Improvement, Project No. 8P2196 and 8P2196B over the Burlington Northern Santa Fe Railway Company, Thayer Line, approximately 0.22 miles west of Route 65; and amending the 2016- 2017 Fiscal Year budget for the Department of Public Works in the amount of \$1,286,899 to appropriate funds for this project.

Kirk Juranas, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Juranas stated the proposed is for the Chestnut Expressway bridge to relocate utilities. Mr. Juranas noted there were unstable foundation conditions under the existing roadway that caused expansion of the project. Mr. Juranas stated the Department of Transportation will share in the sale of the property. Mr. Juranas noted 61% of the funds can be taken from Surface Transportation Program funds. Mr. Juranas noted of the \$1.6 million, \$618,000 will come out of the 1/8th cent Transportation funds. Mr. Juranas noted if there is a need for additional funding, there is half a million dollars budgeted in the contingency fund instead of using local funds.

Councilman Fishel asked if the \$618,000 was part of the original tax issue passed by Council. Mr. Juranas responded it is included in part of the original budget.

Councilwoman Fulnecky expressed her appreciation for the proposed.

Mr. Juranas stated the project is requested to be accelerated for MoDOT to give notice to the contractor on November 7 and be completed by September 2017.

Mayor Pro Tem McClure asked if a Special City Council Meeting should be held on October 25, 2016 to vote on the proposed. Mr. Burris responded in the affirmative.

An opportunity was given for citizens to express their views. With no

**Intergovernmental  
Agreement for Road  
Improvement with Greene  
County**

appearances, the discussion was closed.

Sponsor: Schilling. Council Bill 2016-236. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement for a road improvement project with Greene County, Missouri, for the purpose of constructing roadway improvements on Republic Road between Golden Avenue and Route FF in the amount of \$1,248,000.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith stated the proposed is a project cost share shared with Greene County located at Republic Road between Golden Avenue and West Bypass. Mr. Smith stated it is taking a two lane road to a five lane curb and gutter, including utility relocation, stormwater improvements and sidewalks. Mr. Smith noted notice to proceed will be given on December 1, 2016.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

**Petitions, Remonstrances, and Communications.**

**The following items appeared under New Business:**

**Recommended**

The Mayor recommends the following reappointments to the Mayor's Commission on Human Rights and Community Relations: Larry Dinges and Angela Myers with terms to expire October 1, 2019.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

**UNFINISHED BUSINESS.**

**MISCELLANEOUS.**

The following bills appeared on the agenda under Consent Agenda First Reading Bills:

The following bills appeared on the agenda under Consent Agenda One Reading Bills:

**Levy and Assess a  
Special Tax Against  
the Lots, Blocks and  
Parcels of Ground**

Sponsor: Schilling. Council Bill 2016-237. A special ordinance to levy and assess a special tax against the lots, blocks, and parcels of ground hereinafter described to pay for the cost of the construction of sanitary sewers in the City of Springfield, Missouri, in Sanitary Sewer District No. 183 of Section No. 16, in the general vicinity of Grand Street and West Bypass as shown in "Exhibit A," providing for inclusion of said district in the City Sewer Financial Assistance Program, and authorizing the City Clerk to issue special tax bills and deliver the same to the Director of Finance to be registered in his office in accordance with this

Ordinance; and declaring that this bill qualifies for approval in one reading.

Council Bill 2016-237. Special Ordinance 26805 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

**The following bills appeared on the agenda under Consent Agenda Second Reading Bills:**

**Chapter 36, Permits and Fees, 'When Permit is Required, 'Fees'**

Sponsor: Fisk. Council Bill 2016-227. A general ordinance amending the Springfield City Code Chapter 36 Land Development Code, Article 1 - Administration and Enforcement of Codes, Division 4 Permits and Fees, Section 36-128, 'When permit is required'; and 36-146 'Fees,' to correct inaccurate cross-references.

Council Bill 2016-227. General Ordinance 6308 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

**Confirmed**

Confirm the following appointments to the Tree City USA Citizen Advisory Committee: Zach Clapper with term to expire December 1, 2016 and Mindy Spitz with term to expire December 1, 2017.

**Confirmed**

Confirm the following appointment, who has been serving as an alternate, to the Board of Adjustment: Derek Lee with term to expire January 1, 2017.

**Confirmed**

Confirm the following reappointments to the Park Board: Sarah McCallister with term to expire June 1, 2018, and Sidney Needem with term to expire June 1, 2019.

**Adjourn**

With no further business to come before Council, the meeting adjourned at approximately 7:15 p.m.

Anita J. Cotter, CMC/MRCC  
City Clerk

Prepared by Megan  
Cunningham